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MEMO ENDORSEMENT

April 11, 2024

Via ECF

The Honorable Laura Taylor Swain
 United States District Court for the Southern District of New York
 500 Pearl Street
 New York, NY 10038

Re: *Nunez v. City of New York*, 11 Civ. 5845 (LTS)

Your Honor:

Plaintiffs write to request an extension of the deadline for their Reply in further support of their motion for contempt and the appointment of a receiver and accompanying extensions of deadlines thereafter. Plaintiffs also request 50 pages for their Reply memorandum of law.

1. Extension of Time for Plaintiffs' Reply

Plaintiffs' Reply is currently due on April 23, 2024. ECF No. 668. In light of the extensions of time to file Defendant's opposition brief and the Monitor's Report, Plaintiffs request a modification of the schedule set forth below. Plaintiffs need sufficient time to review Defendants' submission and the Monitor's Report to inform the Reply. *Defendants consent to Plaintiff's request for the extensions set forth below.*

| Event | Current Date Ordered | Proposed Date |
|---------------------------------------|-------------------------|------------------------|
| Plaintiffs to file reply motion | April 23, 2024 | May 14, 2024 |
| Parties to meet and confer | April 24 to May 8, 2024 | May 15 to May 29, 2024 |
| Parties to file a joint status report | May 8, 2024 | May 29, 2024 |

2. Court Conference Schedule

Plaintiffs request that the Court conference scheduled for May 15, 2024 be rescheduled as

soon as practicable after the joint status report so that this motion can be adjudicated on the merits without delay. Plaintiffs are generally available in June and available in July but for July 3-5 and July 19-26.

The United States consents to the proposed schedule and is available for a conference but for June 11, July 1-5, and July 17-19.

Defendants are unavailable during the last two weeks of June, July 15-17, July 25-26 and the entire week of July 29.

There are, of course, many competing availability concerns in the summer months—a reality for both June and July. It is likely that all parties will appear without members of our respective teams. Should the court be available, Plaintiffs continue to believe a June conference date most appropriate so as to avoid unnecessary delay—and believe that it is unreasonable for Defendants to be unavailable for two weeks in June given the size of their team.

Should the Court schedule the conference for July, Plaintiffs request additional time to file their Reply memorandum to May 28, 2024, with accompanying extensions thereafter. Defendants consent to this extension.

Monitoring Team's Position: “The Monitoring Team has recommended that the Parties engage in a meaningful meet and confer process following the submission of the briefing. The Monitoring Team recommended that there must be both sufficient time to meet and confer *and* to provide the Court with the opportunity to evaluate the outcome of those discussion. With respect to scheduling the Monitoring Team is not available for a conference on June 6, 7, or the week of June 10th. We are available the week of June 17th and June 24th although we understand the City isn't available the last two weeks of June. Given the need for both a meaningful meet and confer process and the availability of counsel, the Monitoring Team recommended to the Parties that a conference in July may be most appropriate. The Monitoring Team is available to participate in a conference in July with the exception of July 4, 5 and 26.”

3. Enlargement of Pages for Plaintiff's Reply Brief

Pursuant to the Court's Individual Practice Rule 2(h), Plaintiffs seek permission to file a Reply memorandum of law not to exceed 50 pages in further support of their motion for contempt and the appointment of a receiver. Plaintiffs' opening brief consisted of 100 pages and involved a detailed factual record, spanning over eight years of Monitor's Reports as well as discussions of different legal standards. Therefore, a memorandum of law of 50 pages is needed to fully explain the factual and legal basis for the relief sought here. Defendants take no position on Plaintiffs' request for an oversized memorandum of law.

Respectfully submitted,

/s/ _____

Mary Lynne Werlwas

/s/ _____

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Counsel for Plaintiff Class

The foregoing requests are granted. Plaintiffs' reply memorandum of law in support of their motion for contempt and to appoint a receiver is not to exceed 50 pages and is due by **May 28, 2024**. The meet and confer period is hereby rescheduled for **May 29, 2024 to July 2, 2024**. The parties are hereby directed to submit a joint status report on **July 2, 2024**. The next status conference in this matter is hereby rescheduled for **July 9, 2024, at 2:00 p.m.** DE 700 resolved.

SO ORDERED.

4/12/2024

/s/ Laura Taylor Swain, Chief USDJ